

IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

TUESDAY, THE TWENTY SIXTH DAY OF APRIL
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MS JUSTICE G.ROHINI

WRIT PETITION NO : 9568 of 2005

Between:

Sri Chaitanya Mahila Kalasala rep. by its Chairman Satyanarayana Rao
Poranki, Chaitanyanagar, Vijayawada

..... PETITIONER

AND

The Regional Provident Fund Commissioner (Authority u/s.7-A of the EPF & MP
Act, 1952, 3rd Lane, Krishnanagar, Guntur.

.....RESPONDENT

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction more particularly one in the nature of Writ of Mandamus declaring that the action of the respondent contained in proceeding No.AP/GNT/27842/E.II/KST/2005/6 dated 13-4-2005 re-determining the amount allegedly due on amount of escaped waged under the cover of Sec 7-B of the Act and payable as such by the petitioner-institution and demanding payment of the same within seven (7) days, is arbitrary and illegal and direct the respondent-commissioner to forbear from proceeding with criminal prosecution, attachment or recovery any amount from the petitioner-institution pursuant to the said order of the respondent-commissioner dated 13-4-2005.

Counsel for the Petitioner : MR. K.N.PURANIK

Counsel for the Respondent : Ch. Lakshmi Kumari

The Court at the stage of admission made the following :

THE HON'BLE MS. JUSTICE G.ROHINI

WRIT PETITION NO.9568 OF 2005

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ORDER :

Heard the learned Counsel for the petitioner and the learned Standing Counsel appearing for the respondent.

This writ petition is filed aggrieved by the order passed under Section 7-B of the Employees Provident Fund and Miscellaneous Provisions Act, 1952 (for short, 'the Act'), dated 13-04-2005 whereunder the petitioner was directed to remit the P.F. contributions within seven days failing which action will be initiated to file the prosecution complaints in the Court without any notice, besides, action will also be initiated to recover the arrears as in the manner provided under Section 8-B and 8-F of the Act.

Though the learned Counsel for the petitioner raised various contentions, I am not inclined to express any opinion on merits since against the impugned order an alternative remedy of appeal is available under Section 7-I of the Act. Without exhausting the said remedy the petitioner cannot maintain this writ petition.

Accordingly granting leave and liberty to the petitioner to work out the remedy of appeal, the writ petition is disposed of. No costs.

However, having regard to the facts and circumstances of the case and in view of the nature of controversy involved, it is made clear that the impugned order dated 13-04-2005 shall not be given effect to for a period of four weeks from today.

26th April, 2005.

gbs

To,

1. The Regional Provident Fund Commissioner (Authority u/s.7-A of the EPF & MP Act, 1952, 3rd Lane, Krishnanagar, Guntur.

2. Two CD copies.